

In The Matter Before the

Federal Communications Commission

And The Wireless Telecommunications Bureau:

Reply Comments on Notice of Proposed

Rule Making Section 68.4(a) of the Commission's

Rules Governing Hearing Aid Compatible Telephones

WT Docket No. 01-309

RM-8658

Reply Comments of: Joan (Jo) Waldron

Disabled American for the Nation, since 1987.

624 Republic Drive

Fort Collins, Colorado 80526

Email: jwnco@attbi.com

I support, without reservation, the Federal Communication Commission's (FCC or the Commission) proposal to eliminate the exemption from the requirements of the Hearing Aid Compatibility (HAC) Act for digital wireless phones.

Furthermore, it is my beliefs that keeping this exemption in effect does nothing more than regulate a whole population of people with hearing loss, whether they wear cochlear implants or hearing aids into even further second-class citizenry in America. And...it seals the same fate for all future generations of American children with hearing loss. This is not only morally unacceptable....it is grossly irresponsible. This would allow the "ghetto" effect to transcend into further generations that would not be allowed to participate in the global wireless revolution. This will affect their home life, their educational freedom, their social life, their employment or work chances and all that go with that...like the resulting unemployability, and lets not forget the impact on their safety.

This would not only be irresponsible.....it is un-American. As I have said a thousand times...."Access Delayed is Access Denied." American's with hearing

disabilities have waited very patiently for access.....very patiently. *The time has indeed come for all good men to come to the aid of their fellow American's and hold true to the ideals that this nation was founded upon...Freedom, Democracy, and Compassion.....oh.....and for ALL her people.*

Over six years have passed since the Digital Wireless Summit. The Summit that industry thought was and used as their buffer regarding taking strong actions, or even the actions that were signed off on by the heads of most of the major telecommunications companies....like Southwestern Bell, AT & T Wireless, Ericsson, Motorola, and the list goes on. This was the Communications Plan presented to FCC. I know I was a major force in establishing the Summit and in the writing of this plan, matter of fact...I wrote most of it. I transcended into almost all the committees established by this Summit...I know its intents. The companies made a lot of commitments. Sadly, not many were honored.

The reality speaks for itself. Want further proof....pick ten wireless stores or carriers/shops in D.C. and try to find a wireless phone that people with hearing aids can use. Of course, this immediately requires finding a salesperson that has a clue what on earth you are referring to when you ask for that. My favorite response was..."Well, we don't sell phones to those kinds of people." Or how about the second runner-up..."Those kind of people don't want cellular phones, so we don't make em' for them." These statements were made two weeks ago in Denver, Colorado....to me. Needless to say, I am their worse nightmare! I won't even bother to name the companies.....I prefer to leave "em'" hanging.

FCC you must revoke the HAC exemption. You simply must. You have read all that most of us have filed in the Comments response. You have Reply Comments filed from individuals with hearing loss, whether they have CI's or hearing aids....you have Reply Comments filed from organizations that represent the interest of American's with hearing loss in their membership. You know the reality, which is clearly....those of us with hearing loss do not have access to wireless communication in America.

You have also heard all the promises from industry. Suffice it to say that American's with hearing loss cannot be the only ones who hear the message of "access denied." I remember asking industry why a person with a hearing aid could not participate in the "One -Stop Shopping" for a wireless phone. I asked this starting in 1995. Here we are in the year 2002 and I unfortunately still am asking that very same question. This is wrong, just wrong.

I believe that FCC has a responsibility to American's with hearing disabilities to go out and find the reality first hand. Go to the wireless stores...reporters write the stories...write the reality on the lack of telecommunication access in America. Find the reality that shapes our lives....or the lack thereof.

I am lucky...I am a person who is deaf who has voice access on my cellular phone/system and I can hear clearly in doing so. I have personally used my wireless phone and my personal assisting system to call in drunk drivers, to report erratic drivers or those going at an unsafe speed, to report car wrecks...even to call for the police when I had a car wreck...as all the hearing people involved did not have a cell phone!

On the other hand, everyone who has responded in Comments or Reply Comments....is telling the same kind of story....at least if they are a consumer or a representative thereof. America has a large population of people who want very much to participate in the global wireless revolution. You have these same members of the population of people with disabilities and the elderly that control the revenue of over \$750 billion dollars annually. Guess what.....WE ARE NOT THE CUSTOMERS OF THE INDUSTRY WHO PROFESSES TO WANT MARKET SHARE OF DOLLARS....but we so desperately wish to be. And we want to participate in all the industry offers to everyone...all phones, all services, all transmissions, and all specials. I for one would truly hate to explain that one to their respective board of directors and shareholders. For that matter, maybe that is part of the answer...all of us with hearing loss become shareholders of the telecom industry players! Not a bad concept!

The revocation of the exemption will benefit people with and without hearing disabilities. Taking into account all of the above, all the filed comments referenced above....the bottom line is, the only allowable action is the revocation, otherwise...everyone loses. America especially loses.

I have said time and time again....who do you think people with hearing loss call? Basically....the industry's current customers. Of course, these people tend to be our family members, our children, our friends, our employer's, our educators, our police force, our fire fighters, our emergency medical personnel, our neighbors, or even the pizza delivery place.

A failure to revoke the exemption will imprison those of us in the here and now as well as future generations of people with hearing loss. Again, this would be a travesty.

The reality of hearing aid interference is indeed alive and well. There are those who would ask you to believe that analog transmission is without hearing aid interference. This is not true. Dr. Jack Wojcik and I proved that almost a decade ago to both the industry and to FCC. Analog hearing aid interference has a different signature than digital hearing aid interference. Analog is like hearing a loud whistling sound...does it render the hearing aid temporarily inoperable? Yes, it does. Does this affect all hearing aids? No, it does not. It really depends on what power the hearing aid is operating from and at. Meaning a power hearing aid is surely bound to have the interference. Will a hearing aid with a high gain going to have the same problem....you can just about bank on it.

Will all hearing aids have interference from a digital wireless phone? No, they will not. Is the same parameter of how powerful the aid is determine the interference? Yes, it does. The wireless phones that are the worse....NOKIA. I can tell when someone has a NOKIA phone...why? If I am within 5 feet of their phone when on line....I have buzzing interference! This is why I am humored about NOKIA's neck loop, or for that matter any phone manufacturer who puts out a neck loop! So, how is that going to benefit me? Now, even if I could make that work around the interference issue...I still cannot hear on it. Why? I am deaf. It has long stood in the audiological arena that neck loops, silhouettes,

HAC telephones, etc. only work for those with mild to some severe hearing loss levels. Then the classic "I can hear something, but I don't understand what I am hearing" tends to kick in.

I remember when the conversation first surfaced on neck loops....did NOKIA and others know the problems? Yes, they did. Did industry know the problems on the reality of both interference and the problems on actually being able to hear for all levels of hearing loss? Yes, they did. Do they still represent this particular solution to meet the needs of all people with hearing loss and aids? Yes, they do. Thus, millions of American's with hearing loss who may not have the knowledge of the assisting device industry buys into this painting....and order the accessory, receive it, and are beyond frustrated when they realize first of all...the buzzing probably will interfere immediately...and then, they realize through trying the neck loop that it is not powerful enough for their needs.

This has been a long standing problem in the assisting device industry....no one ever tells the consumer what device benefits what hearing loss level. That has just never made any sense to me. Kind of like the so-called hearing aid compatible headsets available....again the population who benefits from these are the very same mild to some severe hearing loss levels. Are they marketed as the "One Size Fits All" solution? You betcha. Does the "I can hear something, but I don't understand what I am hearing" phenomena generally occur? Yes, it does.

You know, a bedpan carries more instructional benefits...it is a Class One medical device, and it is not a "One Size Fits All" product either! You have to ask...."Why would any assisting device be a "One Size Fits All" as the industry would have you believe? Kind of like the universal theory that if one has a hearing aid, then one can hear just fine. Or everyone needs just that \$29.95 miracle aid advertised in your Sunday newspaper magazine...will take the place of a multi-thousand dollar hearing aid! Not.

Or, If one has a hearing aid and a hearing aid compatible telephone handset...then it is a match made in heaven...the gates open, the angels sing...of course, we can't hear them anyway.....this is just not true. I am so

tired of those who constantly wish to promote this concept....ask the people with hearing loss and who wear hearing aids and cochlea implants how well these products really work. This is so not a pretty picture.

My reality, like many, many others who wear hearing aids....is "interference is interference is interference." And you still have the problem of being able to hear in the first place! This is wrong, just wrong.

Rather than go into a full blown representation of the state-of-the-art arena of the wireless and wireline industries, or the respective OEM's who make claims to having hearing aid accessible telephones or systems, or even how well they work, or the true reality thereof.... for that matter, I won't even go into that of which is currently available for hearing access solutions...albeit how few those solutions really are or how well they really work....I would rather propose a workable solution that will meet the needs of the consumer....recognizing that under Section 255 we afforded this decision to the consumer....for the first time, I might add. How extraordinary....allow the consumer with a hearing loss to choose the telecommunication product and accessory that meet their personal hearing loss and user needs. Reality, what a concept!

Now, how do we do this? First of all, a 2.5mm jack should be required in every wireless telephone sold in the United States. This allows for access for people with and without disabilities to utilize this access port for their hands-free systems, which are being used by more and more Americans....primarily for safety reasons, let alone for the necessary hearing access by those who elect to have hands-free access. I do have to state...this is my major problem personally with having wireless phones made hearing aid compatible....it still limits my choices, and it limits my ability to hear. Which, I have to tell you....is still my major and primary concern! I almost feel that I would be taking steps backwards in hearing access to want only hearing aid compatible in a wireless phone...give me state-of-the-art access...which is indeed hands-free system that work the best for all people.

Equally, I have asked this question so many, many times before....if those of us who wear hearing aids have the EMI interference to our hearing aids, as we

know that we are being nailed by the EMI's in the first place because of that....*doesn't this turn all of us into walking antenna's?* And just what is that doing to our heads? It amazes me that no one has grabbed on to that one....truly.

In any event....as per Section 255 of the Telecommunications Act...the choice is considered a CPE. Consumer Premise Equipment. Doesn't it make sense to have a dual avenue of access? One being the so referenced 2.5mm jack in every wireless phone, the second being those phones that can be made hearing aid compatible...then let them be so. Motorola accomplished this with their MicroTac Lite II wireless phone. Samsung...well, they tried...I have a Samsung 3500....it nails me every time I try to come near it in T-coil mode on my hearing aid. Just won't let me near it. Qualcomm....same problem. Nextel, don't even...have to get farther away from than any other phone made! Have to tell you....Motorola Star Tac is still my first love! Always has been!

It just makes sense to me to allow for access to be a personal choice decision. Should all wireless phones be made hearing aid compatible...no, I do not support that. Why? Won't make a lot of difference to the majority of us, as even if we can get close to the phone, we still cannot hear on it. We need peripheral hands-free devices that will state clearly just who can benefit from the device....meaning which hearing loss levels actually through formal blind, audiologically solid test parameters, can truly benefit from these devices. Not the rubber stamp "One size fits all" syndrome any more. It is time for FCC in its wisdom to regulate this arena...you have the power to do so. America needs you to do so.

Lastly, we have the argument that hearing aid manufacturer's need to do better in shielding hearing aids. Sure they can...can they eliminate the hearing aid interference completely? No, they cannot. Why? Where the earmold tube hooks on, where the battery goes in, where the volume control dial is...allows leakage out, the EMI's leak in. You can work to minimize this...but that is about it.

Can the wireless OEM's shield their phones to prevent hearing aid interference? No, they cannot. They can work to minimize it...but too many variables within the hearing aid...too many power levels. Why? So many different kinds and types of hearing loss, all with their own set of complexities. There are simply no "One Size Fits All" folks...whether it is an assisting device, a wireless telephone or a wireline telephone, or a peripheral device. Disclosure is as disclosure does. Thank you, Forrest.

Given my initial reply comments to the Notice of Inquiry, and all the previous information I have written, submitted, or verbalized until I have turned blue in the past decade of dealing with these issues...the issue of hearing access to global technology, telecommunications, and communications....I can only keep saying that "One Size Does Not Fit All." HAC is no more the solving glory than volume control, or a silhouette with a microphone plugged into a 2.5mm jack....it must be the consumer's choice. It must be the responsibility of FCC to revoke the exemption that prohibits millions of Americans, and future Americans the ability to participate fully in what society and its industry makes available to all its people.

Anything less is to relegate those of us with hearing loss to always being a spectator in American Society. This is wrong, just wrong. The future will hold us accountable. All of us.